HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R. No.5178 of 2005

Date of decision : 18.12.2006.

Union of India .....Petitioner
versus
Miss Jyoti Rani and others .....Respondents

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.Jagdish Manchanda, Advocate for the petitioner
Mr.N.K.Khosla, Advocate for respondent No.3.

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ORDER

HEMANT GUPTA, J. (Oral)

The challenge in the present revision petition is to the order dated 26.2.2005, passed by the learned Executing Court, whereby the execution petition was dismissed for want of prosecution.

Learned counsel for the petitioner has pointed out that on the date the execution was dismissed for want of execution, the bailiff had gone to the spot i.e. House No.K-6, Gurukul Colony, Old Panchkula to execute the award for attachment, but the same could not be effected. On the same day, the learned Executing Court has dismissed the objections for the reason that the petitioner has not given the list of the properties of the judgment debtors, to be attached .

The reasoning given by the learned Executing Court while dismissing the execution petition for want of prosecution, is not tenable in law. The proceedings produced by the petitioner, in fact, show that the list of the properties was given, but the attachment could not be carried out.

In view thereof, the order dated 26.2.2005, passed by the learned Executing Court is set-aside and the execution petition is restored

to its original number. The Executing Court shall take steps for execution of the award, in accordance with law.

The revision petition stands allowed accordingly.

Parties through their counsel are directed to appear before the learned Executing Court on 19.1.2007.

(HEMANT GUPTA)
JUDGE

December 18, 2006
**mohinder*